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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 18733/996

#16  
gnd

In re patent application of

Shui-on LEUNG et al.

Group Art Unit: 1644

Serial No. 09/741,843

Examiner: Schwadron, R. B.

Filed: December 22, 2000

For: IMMUNOCONJUGATES AND HUMANIZED ANTIBODIES  
SPECIFIC FOR B-CELL LYMPHOMA AND LEUKEMIA CELLS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is in response to the Communication mailed on February 14, 2002. Enclosed is a Petition for a one-month extension of time with the requisite fee, to extend the time to respond to April 14, 2002, which is a Sunday, making filing on April 15, 2002, a timely response. Should such a request or any fee be deficient or absent, consider this paragraph such a request and authorization to charge the appropriate fee under 37 C.F.R. §§ 1.16 to 1.18 to Account No. 19-0741.

In response to the requirement for election, Applicants hereby elect Group I, claims 27, 28, 30, 31, 33, 34, 36 and 37 with traverse. In regard to the election between Groups I and II, Applicants respectfully disagree with the Examiner's rationale for requiring restriction between the polynucleotide encoding the LL2 monoclonal antibody and the LL2 monoclonal antibody. It is believed that the subject matter of the claims of Groups I and II are sufficiently related to be examined together, and such examination would not place an undue burden on the Examiner. When the polynucleotide is searched the sequence of the antibody is also searched. MPEP 803 recites that if "the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicants, of course, reserve the right to file divisional applications covering the subject matter of the non-elected claims.

Respectfully submitted,

April 15, 2002  
Date

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.